

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

AUBREY GOODWIN,)	
)	
Petitioner,)	
)	
v.)	Civil Action No. 2:09cv60-WHA
)	(WO)
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

On January 14, 2009, petitioner Aubrey Goodwin (“Goodwin”) filed a document with this court in which he challenged the legality of his convictions and sentence for unlawful distribution of crack cocaine. (Doc. No. 1.) Through an Order entered on January 23, 2009, the court informed Goodwin that his claims were properly presented in a motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. § 2255. (Doc. No. 2.) Additionally, in accordance with *Castro v. United States*, 540 U.S. 375 (2003), the court notified Goodwin of its intention to treat his filing as such a motion, but that he had the option of dismissing his action if he did not wish to proceed under 28 U.S.C. § 2255. (Doc. No. 2 at p. 2.)

In response to the court’s Order, Goodwin has filed a document with this court indicating that he does not wish to file a § 2255 motion at this time and stating that he instead wishes to withdraw his earlier filing. (Doc. No. 3; filed Feb. 2, 2009.) This court construes Goodwin’s response as a motion to withdraw his filing of January 14, 2009.

Upon consideration of the instant motion, and for good cause, it is hereby ORDERED

that:

1. Goodwin's motion to withdraw his filing of January 14, 2009,
is GRANTED; and
2. This action is DISMISSED without prejudice.

DONE this 4th day of February, 2009.

/s/ W. Harold Albritton
W. HAROLD ALBRITTON
SENIOR UNITED STATES DISTRICT JUDGE